# STANLEY'S TRIUMPH.

Colonel Grant's Paper Read Before the Royal Geographical Society.

A Brilliant Assemblage of Savans and Ladies.

The Work of the American Explorer Fully Indorsed.

His War Action Approved-"Kill or Be Killed."

Grand Success of the Herald and Telegraph Expedition.

COLONEL BURTON STANDS CORRECTED.

[SPECIAL DESPATCH TO THE HERALD BY CABLE. ] LONDON, Nov. 29, 1875.

There was a meeting of the members of the Boyal Geographical Society to-day.

SPECIAL OBJECT OF THE ASSEMBLAGE. They were assembled for the purpose of listening to Colonel Grant's address on the subject of Mr. H. M. Stanley's-(the commander of the HERALD and Telegraph ex-

DISTINGUISHED PERSONAGES PRESENT.

Victoria Nivanza, Africa.

pedition)-explorations in the region of the

Among the distinguished personages present were:-Major General Sir Henry C. Rawlinson, Sir Samuel Baker, Colonel Burton, Sir Fowell Buxton, Baroness Burdett Coutts, Rev. Mr. Moffat (Dr. Livingstone's fatherin-law), Dr. Rae and others.

Many ladies of aristocratic rank were seated on General Rawlinson's right and on Colonel Grant's left.

COLONEL GRANT'S PAPER.

The paper which was read by Colonel Grant amounted simply to a eulogium of Stanley, who was praised for his perseverance, courage and success in carrying out in the most complete manner the intent of his commission from the HERALD and Telegraph. THE FAME OF THE AMERICAN INDORSED BY OTHER EXPLORERS.

Sir Samuel Baker, Colonel Burton and Colonel Grant spoke emotionally on the subject of Stanley's verification of Speke's views on the subject of the rise and course of the river Nile.

HIS REWARD. The three celebrated African travellers said that nothing in the gift of the Geographical Society would be too high a reward for Stanley's services in the cause of science. He deserved, they said, a reception on his return to England like that which was accorded to Speke and Grant in the old

Burlington House after their discovery of Lake Victoria. AN IMPORTANT POINT OF INFORMATION. The speakers laid stress on the point that Mr. Stanley considered the Shimeeyn River the most southern source of the Nile.

STANLEY'S WAR ACTION. Sir Samuel Baker kindly and humorously defended Stanley against the charge of having caused unnecessary bloodshed.

"KILL OR BE KILLED."

The speaker said that the American explorer was placed in a position where the alternative was "kill or be killed," and if he had not acted with promptitude it was more than probable that neither the HERALD nor the Telegraph nor the world of science would hear of his fate for very many years to come. A BRAVE MAN JUSTIFIED,

"Stanley," continued Sir Samuel Baker, "performed his duty nobly, and thus accarired a right to the very warmest welcome on the occasion of his return."

COLONEL BURTON ACCEPTS CORRECTION. Colonel Burton gracefully accepted the correction of his own views on the sources and course of the Nile.

The interest and enthusiasm of the speakers and audience were very great during the entire proceedings.

CENTRAL ASIA.

THE KHOKAND BEVOLUTIONISTS INFLICT HEAVY LOSSES ON THE RUSSIANS. LONDON, Nov. 29, 1875.

The Morning Standard publishes a special telegram from Vienna, which says that accounts from Titlis represent the Russian losses in the recent rising at Kho kand as being heavy.

Part of the garrison at Khokand were massacred.

THE SUEZ CANAL.

M. DE LESSEPS' OPINION OF ENGLAND'S PUR-CHASE OF THE KHEDIVE'S SHARES.

LONDON, Nov. 29, 1875. M. de Lesseps has issued a circular, in which he says he regards England's purchase of the Khedive's shares as a fortunate thing, and the consequence will be the renunciation by the British government of its former hostility to the interests of the shareholders of the

CHINA.

NATIVE ASSEMBLAGE FOR RESISTANCE TO AN ENGLISH COMMISSION OF INQUIRY.

LONDON, Nov. 29, 1875. A telegram from Shanghai says the British Inquiry Commission met a traveller who warned them that a large force was assembled at Yunnan, and resistance to the investigation into the murder of Mr. Margaray

THE MALAY PENINSULA.

THE BRITISH ARMY MARCH TO PERAR. LONDON, Nov. 29, 1875. A despatch from Penang says it is not expected that the British treops will meet with any serious resistance

ABYSSINIA AND EGYPT.

HUNDREDS OF EGYPTIAN SOLDIERS MASSACRED

BY THE EAST AFRICANS. LONDON, Nov. 29, 1875.

The Daily News publishes a special telegram from Alexandria to day which says the Abyssinians had surprised and killed a body of 1,200 Egyptians, including seventeen officers.

ENGLAND AND EGYPT.

A BRITISH ACCOUNTANT TO OVERHAUL THE KHEDIVE'S FINANCIAL CONDITION. LONDON, NOV. 30-4 A. M.

The Morning Echo says the Right Hon. Stephen Cave, Paymaster General, will go to Egypt to inquire into the financial condition of the Khedive's govern-

FRANCE.

THE ASSEMBLY DEFINES THE PLAN OF ELEC-TORAL VOTING.

PARIS, Nov. 29, 1875. The Assembly has finally adopted the clause of the Electoral bill providing for voting by arrondissement. In the division the Assembly stood 401 for and 200 against the clause.

SPAIN.

HENDAYE, Nov. 29, 1875. The Carlists have commenced again a vigorous bom-

THE EUROPEAN GRAIN MARKETS.

The Mark Lane Express, in its review of the grain markets for the past week, says England has had a dragging trade, with occasional decline, owing chiefly to the want of condition in the samples. In Holland and Belgium former rates are main-

In Germany there have been slight fluctuations. In France the quotations are generally unchanged, although in some provincial markets there has been an advance of is., owing to small supplies. Algeria is suffering from severe drought.

CUBA AND THE CROWN.

ALFONSO'S BIRTHDAY FETE OBSERVED IN HAVANA.

HAVANA, Nov. 29, 1875. The birthday of King Alfonso was celebrated yesterday by festivities at the Government Palace and a fine military and civic procession.

THE ROYAL ALBERT BRIDGE.

OTTAWA, Nov. 29, 1875. Hon. John Young gives notice in the Official Gazette that application will be made at the next session of Parliament for an act of incorporation to construct the Royal Albert Bridge across the St. Lawrence at or near St. Helen's Island, to connect the Eastern, Western and Northern railways of Canada with the Eastern and American railways on the south side of the river. The bridge will also be adapted to the running of city cars and for ordinary traffic as well as for foot travel.

NEW YORK AND CANADA RAILROAD.

WHITEHALL, Nov. 29, 1875. The first regular train over the New York and Canada Railroad from Montreal arrived here at five o'clock P. M. to-day, making the run in eight hours. The road is now open for traffic.

A BANKRUPT AND FORGER.

LEBANON, Pa., Nov. 29, 1875. Edward J. Backenstose, a Justice of the Peace, of East Hanover township, the owner of a farm and extensively engaged in the shipping of cattle to Eastern markets, failed and appointed an assignee last week. He has since confessed to the forgery of notes amounting to between \$10 000 and \$15,000 and has fled to parts unknown. His liabilities are reported to amount

GOVERNMENT OF CITIES.

ALBANY, Nov. 29, 1875. The Governor has appointed the following commission to devise a plan for the government of cities:-William M. Evarts, of New York; Samuel Hand, of Albany; E. L. Gudkin, of New York; Edward

CONSECRATION OF BISHOP M'LAREN. CLEVELAND, NOV. 29, 1875. The Rev. W. E. McLaren, Bishop-elect of Illinois,

will be consecrated in the cathedral at Chicago at half-past ten o'clock A. M. on Wednesday, December 8.

FAILURE IN SAN FRANCISCO.

SAN FRANCISCO, NOV. 20, 1875. Fassett & McConley, heavy grain and produce dealers of this city, failed to-day.

AN ARMED FEMALE BURGLAR.

FOUAL RIGHTS IN CRIME-A PARMER, AWAKENED FROM HIS SLEEP, CLASPS A STRANGE IN-TRUDER IN HIS ARMS.

STROUDSBURG, Pa., Nov. 29, 1875.

On Sunday night of last week a farmer named James Steen, living in Jackson township, this (Monree) county, was awakened by a noise in his bedroom. He sprang from bed, when he heard some one running out of the room. He followed and captured the intruder, who was about escaping from a window, where entrance had been effected. Mr. Steen grappled the burglar, and found that it was a woman, or a man in woman's clothing. A short struggle ensued in the dark between the two, during which the burglar fired a pistol, the charge fortunately missing its mark. The farmer soon everpowered and secured the desperate thief, Procuring a light he discovered that the burglar was a woman, not over twenty-five years of age. She was dressed in a close-fitting black dress and wore a man's felt hat, with a brown wing in the band. She was recognized as a woman who had been peddling notions about the neighborhood for a day or so, and was evidently a French woman. Mr. Steen kept watch over

his captive until morning. She would not talk, merely saying that her name was Frances Stanard. She had gathered up the farmer's pantaloons and coat in the bedroom and had them in her possession when caught.

On Monday Mr. Steen preferred a charge against his prisoner, and she was remanded to the County Jail to await trial. She was brought to this place on Monday alternoon, and, owing to the fact that the jail was in course of reconstruction, she was confined in the

await trial. She was brought to this place on Monday alternoon, and, owing to the fact that the jail was in course of reconstruction, she was confined in the grand jury room in the Court House for the time being. The day after she was locked up she declared that she would never be tried if she had to burn the building down and perish with it. Subsequently, however, she seemed to accept the situation and became very traciable. The sequel shows, however, that she was only acting a part, to throw the authorities off their guard. The burnelaness' recars.

Early on Monday morning last Mrs. Tuthill, who has charge of the Court House, was awakened by a strong smeil of smoke in the building. Instituting an investigation, she discovered flames issuing from the grand jury room, and the corridors were tilled with smoke. She at once gave the alarm, and by great efforts the fire was extinguished. It was at once believed that the prisoner had attempted to carry her threats into execution, and a search was made to see if she had perished in the flames or had been suffocated. It was soon discovered that she had fallen a victim to neither, but had escaped from the building by a window, after firing the room. This she had done by removing the doors from a large base-burning store in the room and overturning it on the floor, spilling its burning contents thereon. She then piled the bedding and lurniture in the room upon the stove and made her escape, jumping from the window to the ground, some twelve feet. A large space was burned in the floor and several beams burned in two line a short time the flames would have made such progress that it is doubtful if they could have been controlled and a disastous conflagration would have resulted. No trace of the woman has yet been found.

# SHOCKING ACCIDENT.

Joseph Abbot, fifteen years of age, while at work in the factory of Hines & McGinna, No. 37 Dey street, caught his clothes in a belt of machinery and was drawn to the ceiling, thrown round the shaft and hurled to the workbench beneath. His arm was broken and his legs bally injured, bestdes wounds in his head. He was taken to the Chambers Street HospiUNION PACIFIC.

DECISION OF THE SUPREME COURT IN FAVOR OF THE COMPANY-PAYMENT OF PRINCIPAL AND INTEREST TO THE GOVERNMENT POSTPONED FOR THIRTY YEARS-A SECOND MORTGAGE FOR SECURITY.

WASHINGTON, Nov. 29, 1875. The sensation of the day in Washington has been the rendering of the long expected decision of the United States Supreme Court in the Union Pacific Railroad case which, as Attorney General Pierrepont said in his argument for the government, involves indirectly a money consideration amounting to \$200,000,000. Your money editor will tell you how the stock of the comfluctuated in Wall street in response to the decision of the Court, notwithstanding that something of the effect upon the market had been "discounted" by the fulfilled expectation of a decision favorable to the company. But the

SCENE IN THE CAPITOL here is worth a few words of description. An eager and anxious crowd of speculators, Wall street agents, lawyers and reporters besieged the door of the court room promptly at the hour of noon, when the nine judges, in all the solemn dignity of their robes of black silk, filed into their nine high backed chairs upon the high bench and looked down upon the semi-circle of lawyers in front, sitting in the very spot where Clay's and Webster's oratory awoke the echoes of the cham ber when it was the Senate of the United States. In the few minutes preliminary to the announcement of the first opinion the Wall street operators and agents furtively ran over their cipher keys that they might make no mistake in the messages they were to flash to the expectant speculators at the New York Stock Exchange, 250 miles away, when the decision for or against the rail road company should be announced. The reporters brushed up their powers of memory, for they dared not take notes. It is one of the rules of the Supreme Court that no one save its attorneys or clerks may put pen or pencil to paper anywhere within its precincts. At length the first opinion was announced. Heads were thrust forward and hands were curled about ears in the eagerness to catch the title. It was some Western national bank versus a delinquent debtor, and heads were drawn back and ears untrumpeted again. A sec ond and a third opinion were read, the waiting crowd taking the infliction heroically. At the fourth opinion necks were craned forward once more and a silence like that of death fell upon the room when Judge Davis said, "I am assigned to read

THE OPINION in the case of the Union Pacific Railroad vs. the United States." On went the reading amid a deep stillness. When the Judge had reached the portion saying that the Court would not go back to the debates in Congress, the strong point in Attorney General Pierrepont's argument for the government, but would abide by the exact language of the statute and its eviden meaning, and when he said that if there had been no bonds guaranteed by the United States the government would never have hesitated to pay the railroad the full amount claimed, it was evident that the decision was going to be IN FAVOR OF THE COMPANY,

and some of the speculators slipped out of court on tiptoe and so telegraphed to Wall street. But others deemed it safest to wait for the end of the paper, the reading of which took over half an hour. At length when the final sentence was read, "the judgment of the Court of Claims is affirmed," the whole crowd scur ried out of the court room at the top of their speed and fled down the long aisles of the Capitol to the telegraph offices located in the south wing, whence hunireds of messages were dashed off to Wall street and o the evening press over the country. The decision applies, of course, to all the Pacific railroads, although the suit in this instance was brought by the Union Pacific.

THE EFFECT is to keep the government out of about \$85,000,000 and the compound interest thereon for about twenty-three years, when the aggregate of principal and interestthe latter not compounded-will be due by the company to the United States in one sum. The original principal of the bonds issued to the roads was about \$65,000,000, which, with simple interest at six per cent for thirty years, would make the total obligation of the company at the expiration of thirty years \$180,000,000. As there is no provision for compounding the interest, the Supreme Court deciding that the accrued interest and principal are payable in one sum at the end of thirty years, the United States will have to lose about \$20,000,000 meantime in the way of compound interest. and at the end of the thirty years have only

A SECOND MORTGAGE upon the railroad for the enormous sum of \$180,000,000. This calculation proceeds on the supposition that the government will not have been reimbursed by transportation services done by the railroad. These services have been only a fraction of the interest on the bonds up to this time, and would only about offset the compounding of interest, so that the estimate of what the railroads will owe the government at the end of thirty years will prove not far from correct.

The following is

THE TEXT OF THE DECISION.

This is an appeal from the Court of Claims. The Union Pacific Railroad Company, conceding the right of the government to retain one-half of the compensation due it for the transportation of the mails and military and Indian supplies and to apply the same to reimburse the government for interest pad by it on the bends is sued to the corporation to aid in the construction of a railroad and telegraph line, seeks to establish by this suit its right to the other moiety. The United States, on the other hand, having paid interest on these boads in excess of the sum caedited to the company for services rendered by it, insists on its right to withhold payment altogether. The ground on which the right of retention is sought to be maintained is the general right of set-off. It is true this right, as a general principle, exists in the government and is commonly exercised by it when settling with those having claims against it; but manifestly the the rules applicable to ordinary claims for services rendered to the United States do not apply to this controversy. The bonds in question were issued by the United States in pursuance of a scheme to aid in the construction of a

United States in pursuance of a scheme to aid in the construction of a

ORRAT NATIONAL HIGHWAY.

In themselves they do not impute any obligation on the part of the corporation to pay them, and whether, when the United States has paid interest on them, an obligation arises on the part of the corporation to refund it depends wholly on the conditions on which the bonds were delivered to the corporation and received by it. These conditions are embodied in the legislation of Congress on the subject, and if, on a fair interpretation of this legislation, the corporation is found to be debtor to the United States the deduction of interest paid on bonds can be lawfully made. But if the converse proposition is ascertained to be true the government cannot rightfully withhold from the corporation half of its earnings. In constraing an act of Congress we are not at hiberty to recur to the views of individual members in debate nor the consideration of the motives which influenced them to vote for or against its passage. The act itself speaks the will of Congress, and this is to be ascertained from the language used. But cours may, with propriety, in constraing a statute, recur to the incidents of the time when it was passed, and this is frequently necessary in order to ascertain the reason as well as the meaning of particular provisions in it. Many of the provisions in the original act of 1862 are outside of the usual course of legislative action concerning grants to rallroads, and cannot properly be construed without

Many of the provisions in the original act of 1852 are outsided the usual course of legislative action concerning grants to railroads, and cannot properly be construed without

REFERINCE TO THE CHECKSTANCES

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The war of the rebellion was in progress, and the country had become alarmed for the robust of the work of the rebellion was in progress, and the country had become alarmed for the robust of the work of the works and the principal at the end of three years of the rebellion was in progress, and the country had become alarmed for the with Rogland. In case these complications was feared. But even if this fear was groundless it was feared. But even if this fear was groundless it was feared. But even if this fear was groundless it was feared. But even if this fear was groundless it was feared. But even if this fear was groundless it was feared. But even if this fear was groundless it was feared. But even if this fear was groundless it was feared. But even if this fear was groundless it was feared. But even if this fear was groundless it was feared. But even if this fear was groundless it was feared. But even if this fear was groundless it was feared. But even if this fear was groundless it was feared. But even if this fear was groundless it was feared. But even if the propose of the propose of making suitable provision for the future, which could be done in no better way than by the construction of a railroad across the Continent. Such a road would bind together the widely sparted parts of our common country and turnish a cheap and expectation of the state of the propose of the propose of the propose of the country regarding morts of instead of the propose. Although this road the propose of the purpose was leaved to the propose of the purpose. Although this road to the company for the output of the work of its completed to the propose of the country tegration was discovered to the end of the purpose of the purpose. Although this road to th

supplies for the army and the Indians. It was in the presence of these facts that Congress undertook to deal with the subject of this railway. The difficulties in the way of building it were great and were by many ntelligent persons considered unsurmountable, although a free people, when it resolves on a course of action, can accomplish great results. The scheme of building a railroad, 2,000 miles in length, were deserts, across mountains, and through a country inhabited by Indiana jealous of intrusion on their rights, was universally esteemed at the time to be a boid and hazardous undertaking. It is nothing to the purpose to say that the difficulties in the way of the undertaking disappeared in a great measure after trial and that the road was constructed at less cost of time and money than was considered posmeasure after trial and that the road was constructed at less cost of time and money than was considered possible. No argument can be drawn from wisdom that comes after the fact. Congress acted with reference to a state of things supposed to exist at the time, and no idea can be derived in the construction of legislation from the consideration that the theory on which it proceeded turned out not to be correct. The project for building the road was not conceived for private ends, and the prevalent opinion was that it could not be worked out by private capital alone. It was

A NATIONAL WORK,

originating in a national necessity and requiring national assistance. The policy of the government, to say nothing of the supposed want of power atood in the way of the United States taking the work into its own hands, even if that was not so reasons of economy suggested

tional assistance. The policy of the government, to say nothing of the supposed want of power, stood in the way of the United States taking the work into its own hands.

even if that was not so reasons of economy suggested that it was better to enlist private capital and individual enterprise. This Congress undertook to do, and it was believed that the inducements held out were such as would secure the necessary capital and enterprise, but the purpose was to promote the operation of the work which was deemed essential to the security of great public interests. It is true the scheme contemplated profit to individuals, for without a reasonable expectation of that capital could not be obtained nor the requisite skill and enterprise. But this consideration does not in itself change the relation of the parties to this suit. This might have been so if the government had incorporated a company to advance private interests, and had agreed to aid it on account of supposed incidental advantages, which would accrue to the public from the completion of the enterprise, but the government proceeded on a wholly different theory; it sustained the enterprise to advance its own interests and it endeavored to enlist private capital as a means to the end of securing the building of a road which was to be used for governmental purposes. Whatever obligation, therefore, rested on the company must depend upon the true meaning of the enactment itself, viewed in the light of contemporaneous history. It has been observed by this Court that the title of an act, especially in Congressional legislation, furnishes little aid in the construction of it, because the body of an act in so many cases has no reference to the matter specified in the title. This is true, and we have no disposition to depart from that rule. But the title even in the original act of 1862, incorporating the company, seems to have been a subject of especial consideration by Congress, and in terms declares the general purposes of the act. It is "An act to ald in the const

of Congress. The act itself was an experiment and should be considered in the nature of a proposal for inducing men to engage in the work, for there was no certainty that the capital with the natired obstacles in the way could be enlisted. If enlisted at all it could be only on conditions, which would insure, in case of success, remuneration proportioned to the risk incurred. It preferred that inducement in the way of bonds and interest bearing bonds of the United States. There is no controversy about the terms on which the lands were granted, and the only point on which there is any relates to the nature and extent of the obligations imposed on the company to pay these bonds. It is not doubted the government is to be reimbursed, both principal and interest, but the precise question for decision is whether the company is required to pay the interest before the maturity of the principal. The solution of the question depends upon the meaning of the fifth and sixth sections of the original act of 1863, and of the sixth section of the amendatory act of 1864. The lifth section of the amendatory act of the government, and the sixth section defines the objects of the company, quoting the lifth section. The manifest purpose of the fifth section is to take a lieu of the property of the company for the ultimate redemption of the bonds, principal and interest, but the way and time were left to turther provisions. That the government was expected in the first instance to pay the interest is clear enough, for the mortinger THE TRUE MEANING

but the way and time were left to further provisions. That the government was expected in the first instance to pay the interest is clear enough, for the mortgage was taken to secure the repayment of the leans, together with all the interest thereon paid by the United States, and this phrase implies a prior payment by the United States, whatever might be the duty of the corporation in regard to its repayment.

Besides this, when repayment is spoken of, it is understood that something advanced by the United States is to be paid back. Apart from that, had it been the intention of Congress that the corporation itself should pay interest on the bonds as it fell due, phraseology appropriate to such a purpose would have been used; but when and how the robutsement was to be made, was to be in conformity with the terms prescribed in another portion of the act. In the latter part of the fifth section the Secretary of the Treasury is empowered to declare a forfeiture and to take possession of the corporation to redeem said bonds. The obligations imposed on the company, as assumed by it in reference to the repayment of the bonds, are set forth entire in the sixth section (quoting its there). bonds, are set forth entire in the sixth section (quoting

bonds, are set forth entire in the sixth section (quoting it at large). Leaving out of consideration the parts of the section which do not pertain to the present inquiry, there are three things, and three only, which the corporation is required to do concerning the bonds in controversy. First—To pay said bonds at maturity. Second—To allow the government to retain the compensation due to the componation for services rendered, and to apply the same to the payment of the bonds and interest; and

and to apply the same to the payment of the bonds and interest; and

Third—To pay over to the government, after the road has been completed, five per cent of the net earnings of the road, to be applied to the payment of bonds and interest.

If we take the language used in its natural and obvious sense, there can be no difficulty in arriving at the meaning of the condition, "to pay said bonds at maturity."

As commonly understood the word "maturity" in its application to bends and other similar instruments applies to the time fixed for payment, which is the termination of the time they have to run. The bonds in question were bonds of the United States. This obligation the government was requested to perform, and as the bonds were issued and delivered to the corporation to be sold for the purpose of raising money to carry on the work, it is insisted that Congress must have intended to impose a corresponding obligation on the corporation.

In appoint of that construction it is sought to give to

In support of that construction it is sought to give to the word "maturity" a double signification; applying it to each payment of interest as it falls due, as well a to the principal; but this is extending the application of the word beyond its natural and obvious meaning, and is contrary to all legal rules. Courts cannot supply deficiencies in legislation, nor afford relief because deficiencies are supposed. On this point Justice Davis quotes from Lord the Chief Baron of Ireland to the effect that, as a general rule respecting interpretations of deeds, all latitude of construction must be restricted merely to the interpretation of the words, and that if courts step beyond that they no longer construe men's deeds,

Step beyond that they no longer construe men's deeds, but

MAKE DEEDS FOR THEM.

This rule, continued Justice Davis, is applicable to the language of a statute as it is the language of a statute as it is the language of a deed. The phrase, "to pay borns at maturity," does not bear the sense sought to be attributed to it. It applies obviously to the obligation to pay both principal and interest, but it does not imply the obligation to pay the interests as they accrue and the principal when due. It is one thing to be required to pay principal and interest when the bonds attain maturity and it is quite another thing to pay the interest every six months and the principal at the end of thirty years. The obligations are so different that they could not both grow directly out of the words employed, and it is necessary to superadd other words in order to extend the condition se as to include the payment of semi-annual interest as it falls due. Neither in principal, nor in form, is such a plain departure from the express letter of the statute warranted, and especially so when the construction leads to so great an extension of the conditions as would deteat the grant. The failure to perform the conditions is declared a forfeiture; and if the natural meaning is adopted for the phrase "maturity" there can be

payment. The company, for obvious reasons, might be very willing to accept the bonds of the government on these terms, and might be very unwilling to come under absolute promise to pay the current interest as it accrued. If the company was obliged to raise money every six months to pay interest when all its available means were necessary for the prosecution of the work the burden might be very heavy. Congress did not see fit to impose this burden and to put the company in a position to of all its grants; besides, it is fair to infer that Congress supposed that the service to be rendered by the road to the government would reasonable expectation.

The published statistics of the most of the government would reasonable expectation.

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The published statistics of the vast cost of transporting military and naval stores to the Pacific by the an-

The published statistics of the vast cost of transporting unlitary and naval stores to the Pacific by the ancient method abundantly shows. Local business as a source of profit could not be expected, and whether, when considered as an investment, it would prove valuable was a question for time to determine. But vast as the work was, the growing wants of the country, as well as the existing military necessity of the government, demanded that it should be completed. Under the stimulus of these considerations Congress acted. It did not act for the benefit of private persons but for an object deemed essential to the security of the country as well as to the prosperity of the country, compelled as it was to incorporate a private company to accomplish the object. It profiered the terms on which it would lend us aid which, if deemed too liberal now, were then considered with the lights before it not too liberal for the purpose of engaging the attention of enterprising men, who, if not themselves capitalists, were in a position to command the use of capital. These terms locked to ultimate security rather than to immediate reimoursement, and for the obvious reason that the corporation would require all its available means for construction, and that to exact an obligation to keep down the interest would tend to cripple the enterprise data time when the primary object of Congress was to for construction, and that to exact an obligation to keep down the interest would tend to cripple the enterprise at a time when the primary object of Congress was to advance it. In addition to all that has been said, there is enough in the scheme of the act and in the purpose contemplated by it to show that Congress never intended to impose on the company the obligation to pay current interest. The act was passed in the midst of war, when the public mind was alive to the necessity of binding the Pacific States to those of the Atiantic. Confessedly the undertaking was outside of the ability of private capital, and only by the helping hand of Congress could the problem, difficult of solution under the most favorable circumstances, be worked out. Notwithstanding the

favorable circumstances, be worked out. Notwithstanding the

PAVORABLE TERMS OPPERED

the road languished, and the effect of that was the
amended act of 1804. By that the grant of land was
doubled, the government lien was made a second instead of a first mortgage, and a provision was inserted
that only one-half of the amount due by the government
for transportation should be required to be applied
to the payment of the bonds issued by the
government in aid of the construction of the road.
This amendment was without doubt intended merely to
modify the provisions of the original act so as to allow
the government to retain only half of the compensation
due for services rendered, instead of all of
it, though the provision is that the compensation shall be applied to the payment
of bonds, while in the former act it applies it to bonds
and interest. Yet it cannot be supposed that Congress
intended to relinquish the right of the government in
the former act. The change was a very material one
and intended as a favor, but on the principle contended
for, in behalf of the government, it would be of no
value. Of what possible advantage could it be to this
company to receive payment of one-half of the compensation duo to it for services to the government, if it
were subjected to a suit to recover it back as
soon as it was paid, and yet this is the effect of the provision, on the theory that the company was debtor to
the government on every semi-annual payment.

EFFECT IN WALL STREET.

At the opening hour Union Pacific sold freely at 7435 in Wall street yesterday until a telegram was received from Washington stating that the United States Supreme Court had rendered a decision supporting the Union Pacific in its claims for payment for government transportation. Instantly Union Pacific became the strong feature of the day on the Stock Exchange, and until the close of the board the excitement was high and continuous. Opening at 74%, the stock jumped on the receipt of first rumor of a favorable decision to 76½ bid, with 76½ asked. The wires were crowded with questions to Washington as to what the decision was, the stock and excitement appreciating every moment until near the close of the day, when the facts came, verifying the most sanguine hopes of the bulls. The effect of this decision was well known on the street. It gives the decision was well known on the street. It gives the company about \$1,000,000 in back pay and secures to it about \$500,000 cash each year in payment for government work. The decision places the dividends of the company on a much firmer basis, as will be seen by the street quotations. Nearly every other leading stock rose in sympathy with Union Pacific until the gong sounded at the close, when the highest rates of the day were registered. Union Pacific stock ran rapidly up the list until at three P. M. it closed at the best figures during the day, 70½. The bonds followed, closing at 104½. first rumor of a favorable decision to 76% bid, with 76%

A LEGAL POINT WELL TAKEN.

IMPORTANT DECISION IN THE STATE OF LOUI-SIANA-EFFECT OF AN ACTING JUDGE'S TRIALS-A BLOTTING OUT OF JUDGMENTS.

NEW ORLEANS, Nov. 29, 1875. The Supreme Court to-day gave an opinion in the case of the State of Louisiana vs. Peter Phillips, which was appealed from the Superior Criminal Court. The defendant was convicted of perjury while George H. Braughan, an attorney-at-law, was acting as judge under an order from Judge Atocha, and sentenced to the Penitentiary for five years. The appellant alleged that Braughan had no legal right to act, and the Supreme Court has decreed that the judgment against Phillips should be annulled and the case remanded for trail. According to law this decree virtually blots out all of the judgments of the Superior Criminal Court rendered by Braughan, which include the cases of William Williams and Fenderson, for murde were respited last week by Governor Kellogg until the case above mentioned should be decided.

### THE INTERNATIONAL CODE COM-MITTEE

The International Code Committee had a meeting in this city yesterday at the house of the Hon. Charles A. Peabody. The Hon. David Dudley Field was in the chair, and Colonel H. B. Sprague acted as secretary. Judge Peabody offered a set of resolutions in reference to the death of the committee's former secretary, the Rev. Dr. J. Browring Miles. The preamble and resolu-Rev. Dr. J. Browring Miles. The preamble and resolutions dwelt upon the many Christian and social virtues which adorned the deceased friend of peace and champion of civilization. The loss of his services were deeply regretted and his absence acutely felt by the members of the International Code Committee. It was resolved to appoint a committee of five for the purpose of making arrangements for a public meeting, in order to bear further testimony to his worth and services. This subcommittee consists of Mr. Pavid Dudley Field, Judge Charles A. Peabody, Dr. S. N. Prime, Colonel H. B. Sprague and Mr. Mason Young.

THE FLUSHING LIQUOR DEALERS.

The adjourned meeting of the Board of Excise was held at the Town Hall, Flushing, yesterday, at two o'clock P. M., for the purpose of hearing the defence of the eleven liquor dealers. The court room was filled with interested citizens, but the presence of a number of special marshals, who were appointed on Saturday, prevented any disturbance. The Hon. James W. Covert, for the defence, had as his associate Richard Busteed, formerly a judge in Alabama. The President of the Excise Board stated before calling the cases that an opportunity would be offered to those who desired to surrender their incesses, as by so doing they could escape the provision of the law. In response to this suggestion, E. B. Simmons, Andrew Lynch, William Gale and Fred Henning, all hotel proprietors, surrendered their licenses. mons, Andrew Lynch, William Gale and Freu Renning, all hotel proprietors, surrendered their liconses.

Judge Busteed then asked for an adjournment until Thursday afternoon, in order to prepare himself for the case. There are six cigar dealers to be arraigned at that time, John Halleran, R. C. Wright, Richard C. Colton, P. D. Brown, James W. Smith and John Moxenna.

THE STORY OF A LOST DIAMOND.

In the Court of Sessions at White Plains, Westchester, yesterday, Solomon Levison was tried for grand larceny. The circumstances attending the alleged crime were of an unusual character, the property in question ber of the Emmett family, whose residence, near New Rochelle, was broken into and robbed by masked bur-Rochelle, was broken into and robbed by masked burglars on the night of December 23, 1873. The ring was not stolen then, from the fact that it was in New York for resetting. The burglars found the moroecocase, and threatened to kill Miss Lydia Emmett if she did not produce the gem. In October, 1874, Miss Emmett lost a portemonnaic, containing this ring and another, near the railroad depot at New Rochelle. They were found by William Bugle, a boy, who kept them quietly until April last, when he called at Levison's jewelry store, showed the ring and stated that he had found it, and asked if the stone was a diamond. The prisoner said he did not know, but that if Bugle wished he would take it to New York and ascertain its value. He also offered Bugle the best rilver watch and chain in the store for the ring. Bugle testiled that on the return of Levison from this city next day the diamond had been taken out and paste substituted. For the defence it was testined that Bugle sold the diamond to Levison for \$10, stipulating that he should replace it in the setting by an imitation, to deceive Bugle's mother. It was proved that Levison sold the diamond in this city for \$175. The jury rendered a verdet of "Not guilty."

# THE GREEK CHURCH.

The Rev. Nicholas Bjerring, of the Russo-Greek church, will lecture this evening, at Association Hall, on the subject... "The Oriental Church and its Friendly Relations to Other Religious Bodies,"

## COSTLY CHARITY.

The extravagant cost of the distribution of outdoor elief of the poor by the Board of Commissioners of Charities of Kings County will be made the subject of omment by Supervisor Ropes, at the meeting of the Board of Supervisors to morrow forenoon. It is asserted that upward of forty per cent of the entire mount expended last year on outdoor relief in the City of Brooklyn was paid for salaries, which amounted to more than \$100,000. The contrast with New York is most disgraceful in this respect, as in this city more poor persons were visited for \$2,500 than the Brooklyn "Bumbles" attended to for \$9,000. Owing to the extravagance in this respect pursued by a majority of the Charity Board \$40,000 out of the appropriation of \$85,000 for the whole fiscal year ending July 31, 1876, is already spent. The republican leaders are co-operating with the charity reformers for legislation looking to a change in the system of the distribution of relief as heretofore administered. The present Board is democratic as will alway be the new distribution of relief as heretofore administered. The present Board is democratic, as will also be the new Board, which will go into existence January 1. The democratic leaders say that had the republicans been successful in securing the election of their candidates, Hutchinson and Harmon, there would have been no talk about reorganizing the system of relief, indoors or outdoors. They assert that it would be an act of apparent injustice to the people to set aside the appular verdict by legislating out of office the men who have been fairly chosen at the ballot box to serve as Commissioners of Charities. If the wrongs complained of exist they should surely be redressed, but the verdict of the late election should not be tampered with by the Legislature.

### HOTEL ARRIVALS. Congressman George M. Beebe, of Monticello, N. Y.,

by the Legislature.

John T. Hoffman and family have apartments at the Barendon Hotel, Mr. James F. Joy, President of the Michigan Central Railroad Company, is staying at the St. Nicholas Hotel, Pay Director J. George Harris, United States Navy, is quartered at the Everett House. Mr. Rodney W. Daniels, Collector of Customs at Buffalo. is stopping at the Fifth Avenue Hotel. State Senator H. C. Connelly, of Kingston, N. Y., has arrived at the Metropolitan Hotel. Captain J. M. Cobbett, of the Thirteenth Hussars, British Army, is at the Glenham Hotel. Ex Governor Cumback, of Indiana, has taken up his residence at the St. Denis Hotel. Judge Ransom Balcom, of the New York Supreme Court, arrived last evening at the Astor House Rear Admiral de Casembroot, of Holland. and Mr. Frank W. Bird, of Massachusetts, are at the Windsor Hotel. Rev. Canon G. M. Innes of London Ont., is residing at the Sturtevant House. General George A. Sheridan, of Louisiana, is sojourning at the Fifth Avenue Hotel. Judge J. C. Perkins, of Salem. Mass., is among the late arrivals at the St. Nicholas

## MAILS FOR EUROPE.

Hotel, Mr. John L. Delano, of Ohio, is at the Gilsey

The steamship Abyssinia will leave this port on Wednesday for Queenstown and Liverpool. The mails for Europe will close at the Post Office at our o'clock A M

THE NEW YORK HERALD-Edition for Europe-will be eady at half-past three o'clock in the morning. Single copies, in wrappers for mailing, six cents.

HALE'S HONEY OF HOREHOUND AND TAR HAS Pike's Toothache Drops cure in one minute. A .- FOR A STYLISH AND ELEGANT HAT, OF

direct to the manufacturer, ESPENSCHEID, No. 118 Nassau street. A NEW SENSATION .- THE MOOSE AT THE Rink.—A Moose, the most natural tretter in the world, will be exhibited in harness, Saturday, this week, December 4, at the Rink, American Institute Building, with 9ther attrac-tions, which will appear in our next issue.

SELLING LIKE HOT CAKES.-THE TELEGRAM yesterday issued a Sunday edition, and it is said 103,03 copies went off like hot cakes. One of the new features wa the publishing of free advertisements for all persons seekin employment. Of course there was a great rush.—Commelcial Advertiser.

HARD RUBBER TRUSSES. Comfort, safety, cleaniness a durability. Improved patterns. Establishment 737 Bro way. Correct adjustment. Low prices. A .- WIRE SIGNS; PATENT METALLIC FRAMES; engraved Signs. House and store painting. UPHAM & CO., 250 and 252 Canal street.

A.-TRUSSES.-WEAR THE BEST. "SEELEY'S

A \$3 HAT FOR \$1 90 -FINE HATS A SPECIALTY. A NEW REMEDIAL INVENTION BLESSES THE

A NEW REMEDIAL INVESTORS INC.
The ELASTIC TRUSS COMPANY, 683 Broadway,
with their new remedy, hold worst ruptures comfortably
night and day till permanently cured. SELLING LIKE HOT CAKES.—THE TELEGRAM

yesterday issued a Sunday edition, and it is said 100 copies went of like hot cakes. One of the new features the publishing of free advertisements for all persons seek employment. Of course there was a great rush.—Comretial Advertiser. A .- JELESO WATER CONCENTRATED,

the greatremedy for dyspopala, rheumatiam and general debility. An order for three bottles sent free of expressing to any part of the United States or Caunda on receipt of the price. \$1 a bottle (80 doses in a bottle). Address WARREN, & CO., 20 Cortland street (box 3,884, Fost office), New York. A .- RUPTURE CURED BY DR. MARSH (PRINCI-

A.-A.-FURSI

Choice stock in great variety ar popular prices,
SKALSKIN SACQUES and SETS a specialty.
BURKE, manufacturer, 214 Broadway, Fark Bank Building A .- HERALD BRANCH OFFICE, BROOKLYN,

Fulton svenue and Boerom street.

Open from S A. M. to 9 P. M.
On Sunday from 3 to 9 P. M. BEAUTIFUL AND NATURAL BROWN OR lack, BOSWELL & WARNER'S "Colonizing for the BUY THE BEST FURNITURE AT MODERATE prices. HERTS & CO., manufacturers, 806 and 808 Broad.

SELLING LIKE HOT CAKES. -THE TELEGRAM yesterday issued a Sunday cultion, and it is said 100,000 copies went off like hot cakes. One of the new features was the publishing of free advertisements for all persons seeking employment. Of course there was a great rush.—Commercial Advertiser.

DYEING AND PRINTING.—TAKE IT TO THE NEW YORK DYELSG AND PRINTING ESTABLISHMENT, STATEN ISLAND, Offices:—98 Dunne street, 752 Broadway, 610 Stath avenue, New York; 1695 and 168 Pictrepont street, Brooklyn. Established fifty years.

INFLUENZA CURED BY THAT STANDARD REM-TRUSSES, BANDAGES, &C .- SEELEY'S HAND

RUBBER TRUSSES; comfort, safety, cleanliness and dura-bility, used in bathing; fitted perfectly to form; always re-liable. Establishments, 737 Broadway, New York, and 1,341 Chestout street, Philadelphia. Correct adjustment. Low THOSE WHO WISH VIGOR, FIRMNESS, ENERGY,

should wear a GRADUATED CHEST AND LUNG PROTECTOR. Sold by underwear dealers and Druggists. By mail \$1 50, ISAAC A. SINGER, manufacturer, 684 Breadway. SELLING LIKE HOT CAKES.—THE TELEGRAM vesterday issued a Sunday edition, and it is said 100,000 copies went off like hot cakes. One of the new features was the publishing of free advectisements for all persons seaking employment. Of course there was a great rush.—Commercial Advertisor.

VACANT PLACES in the dental ranks will never occur if you are particular with your teeth and cleanse them overy day with that famous tooth wash, 802000xr. From youth to old age it will keep the enamel spottess and unimparted. The teeth of persons who use Sozodoat have a pearl-like whiteness and the guns a roseate hue, while the breath is purified and rendered sweet and fragrant. It is composed of rare antisoptic heris and is entirely fee from the oldectionable and injurious ingredients of tooth pastes, &c. VACANT PLACES

WIGS, TOUPES, &C.-G. RAUCHFUSS, PRACTI-cal Wignarks and Involves of Hunax Hain, 44 East Twelfth sirvet, near Broadway.

114 EAST FOURTEENTH STREET, OPPOSITE THE

# NEW PUBLICATIONS.

BRIGHT'S DISEASE, DIABETES, DROPSY, GRAVEL Delective, Gott. Rhenmatism. Dyspepsia, Diseases of the Liver, Kidneys, Budding Prostates Ginne, Frontaine Prostration, Organic Bedding Prostates Ginne, Promising the Computer Systems of the Compute

CHEAPEST BOOK STORE IN THE WORLD U 30,000 Juvenite Books at your price; 57,972 magnificent Books at our price; 80,072 libres and Prayer Books at any price. Catalogue free. Send stants. EGGAT BROS.
No. 3 Beekman street, opposite new Post office. No. 3 Beskman street, opposite nev

MANHOOD—SOOTH EDITION.—A TREATISE EX-planatory of the cames, with instructions for the suc-cessful treatment of Weakness, Low Spirits, Nervous Ex-haustion, Muscular Debitity and Premature Decline in Man-hood, price 5%. Address the author, U. K. Die F. CURFES, 207 West Twenty second street, New York.

NEW CHRISTMAS MUSIC. EW OHRISTMAS MUSIC.

"Christian, Awake," anthem: 85 cents; and "Love ine: hymn; 50 cents; both by theorys William Warren, is our merry Christmas day," cerol; Hackus; 10 cents, appy Christmas morning oraci, Pand; 10 cents, "A citais day is hern; oraci, seelect 10 cents, Copies et al. W. A. 19 ND CO., 547 Broadway, Branch led, W. M. A. 19 ND CO., 547 Broadway, Branch